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14 *See Attachment A for Remaining Parties'*
15 *Names and Addresses*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 A WHITE AND YELLOW CAB, INC.,
20 Plaintiff,
21 vs.
22 UBER TECHNOLOGIES, INC., et al.,
23 Defendants.

Case No.: 4:15-cv-05163-JSW

**STIPULATION TO EXTEND TIME
FOR RESPONSIVE PLEADINGS;
STIPULATION TO RESCHEDULE
FEBRUARY 12, 2016 CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Honorable Jeffrey S. White

Under Civil Local Rule 6-2, Plaintiff A White and Yellow Cab, Inc. ("Plaintiff"); Defendants California Public Utilities Commission and Defendants Michael Picker, Michel Florio, Catherine Sandoval, Carla Peterman, and Liane Randolph, in their official capacities as Commissioners of the California Public Utilities Commission ("CPUC Defendants"); and Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC ("Uber Defendants"), by and through their respective undersigned counsel, stipulate as follows:

1. Plaintiff served its summons and complaint on the CPUC Defendants on January 7, 2016. Ordinarily, the CPUC Defendants' responsive pleading would be due on January 28, 2016, under Fed. R. Civ. P. 6(a)(1)(A) and 12(a)(1)(A)(i).

2. On January 7, 2016, the Uber Defendants waived service of Plaintiff's complaint. Their responsive pleading is due on March 7, 2016, under Fed. R. Civ. P. 4(d)(3).

3. Both the CPUC Defendants and the Uber Defendants anticipate filing motions to dismiss the complaint under Fed. R. Civ. P. 12(b). The CPUC Defendants and the Uber Defendants believe it would serve the interests of judicial economy to have the Defendants' motions heard by the Court at the same time.

4. The CPUC Defendants have requested an additional period of time of an extra thirty-eight days beyond the twenty-one days allowed them under Fed. R. Civ. P. 6(a)(1)(A) and 12(a)(1)(A)(i) within which to file their motion. Plaintiff's counsel has requested a corresponding additional thirty-eight day extension of time in addition to the fourteen days allowed Plaintiff's counsel under Local Rule 7-3(a) within which to file an Opposition to the Defendants' Motions. All parties agree to these corresponding extensions. Further, Plaintiff's counsel has requested that no hearings be set for the week of April 15-22 since she will be out of the office that week on a personal business matter, and counsel for the Uber Defendants have requested that no hearings be set between the dates of May 9-20, 2016 because of counsel's trial schedule. The parties agree to accommodate each others' schedules.

1 5. The parties therefore stipulate, and request that the Court order, that the CPUC
2 Defendants' motion to dismiss and/or other responsive pleading will be due on March 7, 2016,
3 60 days after service, and 38 days after those pleadings ordinarily would have been due.

4 6. The parties further stipulate, and request that the Court order, that Plaintiff's
5 opposition to the Defendants' motions will be due 52 days after the Defendants file and serve
6 their motions (i.e., as to the CPUC Defendants, 38 days after the opposition ordinarily would
7 have been due under Civil Local Rule 7-3(a)).

8 7. The parties further stipulate, and request that the Court order, that Defendants'
9 replies to Plaintiff's oppositions will be due 14 days after Plaintiff files and serves its opposition
10 (i.e., 7 days after the replies ordinarily would have been due under Civil Local Rule 7-3(c)).

11 8. The Initial Case Management Conference in this case is currently scheduled for
12 February 12, 2016. The Uber Defendants and the CPUC Defendants believe that their
13 anticipated motions to dismiss may obviate the need for any Case Management Conference
14 until those motions are heard and ruled on. The parties therefore request that the Initial Case
15 Management Conference, currently scheduled for February 12, 2016, be vacated and
16 rescheduled.

17 9. The parties understand that the Court schedules both Civil Law and Motion and
18 Case Management Conferences on Friday mornings. If possible, the parties request that both a
19 hearing on the Defendants' motions to dismiss and the Initial Case Management Conference, if
20 necessary, be scheduled for the same day.

21 10. The parties therefore request that the Court conduct a hearing on the Defendants'
22 motions to dismiss, followed by an Initial Case Management Conference, if necessary, on June
23 3, 2016, or as soon thereafter as the parties may be heard.

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28 STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME FOR RESPONSIVE PLEADINGS AND TO
RESCHEDULE CMC

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1 **IT IS SO STIPULATED.**

2 Respectfully submitted,

3
4 Dated: January 28, 2016

5 /s/ Jonathan C. Koltz
6 By: _____
7 JONATHAN C. KOLTZ
8 Attorney for the CPUC Defendants

 /s/ Maryann Cazzell
By: _____
MARYANN CAZZELL
Attorney for the Plaintiff

9 /s/ Marshall Wallace
10 By: _____
11 MARSHALL WALLACE
12 Attorney for the Uber Defendants

13 **CERTIFICATION**

14 I, Jonathan C. Koltz, am the ECF User whose identification and password are being used
15 to file this Stipulation for Extension of Time to File Responsive Pleadings. In compliance with
16 Civil Local Rule 5-1(i)(3), I attest that I have obtained concurrence in the filing of this
17 document from each of the other signatories.

18 Dated: January 28, 2016 /s/ Jonathan C. Koltz

[PROPOSED] ORDER

Pursuant to stipulation, and good cause appearing, it is hereby ORDERED that:

1. No later than March 7, 2016, the CPUC Defendants shall file and serve their motion to dismiss or other responsive pleading.

2. No later than 52 days after the Defendants file and serve their responsive pleadings, Plaintiff shall file and serve oppositions to those responsive pleadings, if any.

3. No later than 14 days after Plaintiff files and serves oppositions to those responsive pleadings, the Defendants shall file and serve their replies, if any.

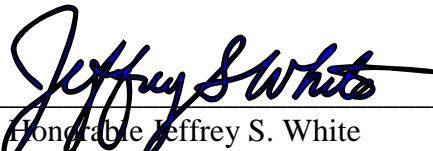
4. The Initial Case Management Conference, currently scheduled for February 12, 2016, is vacated.

5. The hearing of Defendants' anticipated motions shall take place on June 3, 2016, at 9:00 a.m.

6. The Court will conduct the Initial Case Management Conference on the same Friday as the anticipated motions to dismiss are to be heard, at 11:00 a.m.

IT IS SO ORDERED.

Dated: February 2, 2016



The Honorable Jeffrey S. White
United States District Judge